REGULAR CITY COUNCIL MEETING

June 16, 2008

6:00 P.M.

Mayor Ronnie Torres called the Regular Meeting of the Belen City Council to order at 6:00 P.M. Roll call taken by Sally G. Garley, City Manager is as follows:

PRESENT: Ronnie Torres, Mayor

David Lopez, Mayor Pro-Tem Rudy Jaramillo, Councilor Terese Ulivarri, Councilor Wayne Gallegos, Councilor

CITY STAFF: Sally G. Garley, City Manager

Audrey Torres, Procurement Specialist Mildred Garley, Finance Director

Mike Chavez, Police Chief

Robert Rimorin, Utilities Director

OTHERS: Norman McDonald, P.A., City Attorney

Jackie Schlotfeldt, VCNB Gilbert Tabet, Circle T

Marlene Feuer, Waste Management Jerah R. Cordova, Our Tomorrow Joe Trumm, Trumm Engineering

Tom Greer, Rail Café Pete Armstrong, Self

Amy Gonzales, Waste Management Chris Mierhead, Modrall Sperling John Archuleta., George K. Baum Cindy Clark, Belen Chamber

PLEDGE OF ALLEGIANCE:

Mayor Ronnie Torres asked Robert Rimorin to lead the pledge of allegiance.

APPROVAL OF AGENDA:

Mayor Ronnie Torres requested approval of tonight's agenda. Councilor Rudy Jaramillo so moved to approve as amended. Mayor Pro-Tem David Lopez seconds the motion, motion carried.

APPROVAL OF MINUTES:

Mayor Ronnie Torres requested approval of the minutes for June 2, 2008. Councilor Terese Ulivarri so moved to approve the minutes with corrections: on Page 6 first paragraph states "it" which is the Valencia County Mobility Plan if that could be added. Councilor Rudy Jaramillo seconds the motion, motion carried.

Regular Meting: June 2, 2008

CITIZENS PETITIONS:

Mayor Ronnie Torres asked if there was anyone with a citizen petition, no further petitions were presented.

1. **Pete Armstrong**: stated "I am here tonight because I saw there was a presentation by Waste Management, I just wanted a bit of information from Council. I asked at the transfer station where the monies went for materials that were being recycled and I couldn't get an answer for that. I have subsequently spoken to one of your members, they didn't know, and I was just wondering who gets that money for all the recyclables that are recycled out at the transfer station?" Mayor Torres: advised he did not know. Marlene of Waste Management stood and introduced herself and said "if you give me your phone number I will double check and get back to you. Mr. Armstrong continued-"okay what I would also like to propose to you is that we recently received the "What's Happening in Belen", and in my capacity with the Chamber I have received a number of requests for recycling and how can we do that. We have a great transfer station out there and I think it might be a good idea to let our citizens know how to get there and what they can recycle out there. Apparently you can recycle everything there; you are doing a great job out there, so just take it under consideration. Mayor Torres said "actually Wayne is working on something like that, and in reference to the sign on directions to the transfer station we are working on that also, don't really know what happened to the original sign.

Mayor Torres asked if there were any further citizen petitions, no further petitions were made.

RECOGNITION OF EMPLOYEE OF THE QUARTER: Councilor Terese Ulivarri

Mayor Ronnie Torres read the next agenda item in reference to recognition of employee of the quarter. Councilor Terese Ulivarri asked Leona Chavez to please stand and be recognized as employee of the first quarter. Councilor Terese Ulivarri read a letter aloud recognizing Leona as employee of the quarter a copy of which is attached hereto and made an integral part hereof.

RECYCLING PRESENTATION: Marlene Feuer, Waste Management

Mayor Ronnie Torres read the next agenda item in reference to a recycling presentation and introduced Marlene Feuer of Waste Management. Marlene proceeded with her presentation saying "I am here tonight as a result of a meeting I had with your City Manager and two of the staff regarding recycling for the City of Belen. Included in your packet you will find the items we will be discussing. (A copy is attached hereto and made an integral part of these minutes by reference.) What we are going to be discussing tonight is City Manager Sally G. Garley wanted to know how we can get something to enhance recycling in the City and we talked for about an hour and we talked about the reasons to recycle. We are starting off with people, the citizens, they want to be involved and this is how they can participate in an efficient cost effective manner in recycling. We talked about the location being a lot closer than where the transfer station is, and I will allow Sally to go into that if she cares to". Sally advised that there is a large area at the water department yard which will be suitable for recycling. Marlene continued "another reason is that it is environmentally and it is the right thing to do. I cannot believe the number of municipalities that are asking for that now. For six or seven years I have been talking about recycling and could not get any input or willingness to do it but it seems that people now want to be able to help the environment, whether you believe in global warming or no, it is an easy and not expensive way to do your part.

How do we start we talked about a drop off station where residents would come and drop off their recyclables. We talked about single stream and that is the brochure in front of you and that's what we are doing with the City of Los Ranchos, and the City of Rio Rancho, the Town of Bernalillo is on a curbside collection July first and doing single stream, that's what we are doing in the general area. What that means is that we can take all those items, on your list, and help people be able to recycle a lot. We also talked about a separate collection for just cardboard, I noticed that your dumpster was piled high with cardboard and it can be recycled. Cardboard has a value a lot of single stream items do not. We talked about putting a roll off for cardboard. We talked also about separate collection like separated bins. Cardboard right now is paying eighty dollars a ton, so if we take it to market that money would come to the city.

Waste Management would provide two large containers, one we would bring from the transfer station it is a multi unit recycling container like the separated bins, has doors and covered they are in Albuquerque, there would be no charge for those containers to the City. Waste Management will haul those containers to Durango McKinley it is a processing center in the South Valley of Albuquerque. They will charge a twenty five dollar a ton to process the mixed stream recycling, and what they do is they bail it up, there is not a place to separate it in Albuquerque they only MRF (Material Recovery Facility) is the City of Albuquerque and they are way beyond capacity, they're baling stuff and sending it to the same place, which is Our Recycling America people with pick it up and transfer it to Denver. I will show you a video later of what happens to it once it gets to Denver.

As we discussed there needs to be some staffing, we discussed doing this two Saturdays a month for the residents and there has to be staffing so that we do not get hazardous waste or contamination of those products. Waste Management will also charge to haul those containers at \$250.00 a haul and with fuel prices, that is the best possible price I can give the city right now.

When can this happen-well two things once the governing body approves the program it will take thirty days, we want to bring the container from the transfer station paint it and make it look nice. The other thing the City of Belen will have to do is register the collection site with the New Mexico Environment Department they require that. This process can take anywhere from thirty to sixty days, hopefully sooner.

What happens to the material, as I mentioned the cardboard that we will get paid for, that material Durango McKinley actually has a processing plant out in Pruit, New Mexico. They take the fiberboard, break it down, and create new cardboard from it.

The single stream stuff is a little bit more complicated and we do have a DVD, I need to apologize because it is a video we use for school age children presentation but it was the best I could do. (At this time she showed the video).

After the video Marlene wanted to remind Council that they do not recycle glass in any program, there is no market. A fun fact-one aluminum can, recycled, saves enough energy to power a TV for three hours.

The other thing we discussed was if the program does not work and citizens do not recycle just discontinue it, but it is a good start. "I hope you consider it."

She asked if there were any questions.

Councilor Wayne Gallegos asked if they would continue the collection at the transfer station as well. Marlene advised she thought a cardboard collection would be left at the station but the new location would be best utilized by citizens. Councilor Gallegos asked if this project does work would Waste Management be interested in helping the City with public education campaign for the City and schools and whatever else is needed. The problem is that the public does not know we have a recycling center. Marlene advised certainly she then introduced her partner Amy Gonzales who is a major account representative who has shown a keen interest in recycling for Waste Management so that can be done.

Councilor Rudy Jaramillo advised he has had many calls on recycling and knows it takes education and continual education to remind folks what we have and there are many citizens who really want this. He said the town is ready.

Marlene said that was a good point and they also have the website it is www.nmwm.com and we list the City of Belen and we could certainly list the recycling program put one of the flyers handed out and work with the City to get citizens educated.

Councilor Terese Ulivarri said she was glad we have a recycling program and moving it closer to town will allow more citizens to utilize the program. She also asked if the problem of blowing debris will be addressed enough with the covering of the recycle bins.

Marlene advised that covers are secure and should be enough to contain most of the recycled products. The only way to open the bins is through the side doors which is where the products are removed for recycling.

Councilor Terese Ulivarri also commented that due to the cost of shipping the recyclables to Denver was one of the reasons the city did not get to deep into recycling and she asked if the sale of the cardboard would offset the costs.

Marlene advised that at the very least the sale of the cardboard would offset the transportation of the one container, but may not offset the transportation of the other containers that do not contain cardboard however she was not sure. She recommended that the single stream be limited to residents but certainly the cardboard be opened to businesses.

Councilor Terese Ulivarri asked what the cost was to ship to Denver. **Marlene** advised Recycle America (RA) picks it up at McKinley in bales and takes it to Denver and do not charge for that but they also do not pay for it either so it is a break even. The charge for Waste Management to haul it to McKinley is \$250 per load.

Mayor Ronnie Torres asked if there were any further questions. No further questions were asked.

PUBLIC HEARING OF INTENT TO ADOPT AN ORDINANCE THAT WILL CONSIDER TO IMPOSE AN EXCISE TAX EQUAL TO ONE FOURTH OF ONE PERCENT (0.25%) OF THE GROSS RECEIPTS REPORTED OR REQUIRED TO BE REPORTED BY THE PERSON PURSUANT TO THE NEW MEXICO GROSS RECEIPTS AND COMPENSATING TAX ACT AS IT NOW EXISTS OR AS IT MAY BE AMENDED:

Mayor Ronnie Torres read the next agenda item and opened the public hearing of intent to adopt an ordinance that will consider to impose an excise tax equal to one fourth of one percent of the gross receipts reported or required to be reported by the person pursuant to the New Mexico gross receipts and compensating tax act as it now exists or as it may be amended. Mayor Ronnie Torres told the audience that for a better understanding of the tax amount it is a quarter for every one hundred dollars spent. The City plans to utilize the tax on several project throughout the City and it will help fund a lot of those things. Mayor Ronnie Torres asked for any public comments.

1. Mr. Tom Greer-said he was a deep proponent of the town and has spent a lot of time and energy trying to make parts of it better and said "we already have the highest gross receipts tax in the state and he was reminded by council that they want to raise it even higher. It is not the issue of how high we can make it because it is already an impact. In running a business in this town, as some of you are aware because some of you own business here. I am in the food services businesses where I am now paying more than my counterpart in Albuquerque for the same food because of fuel surcharges. I am paying as much for labor and I am paying an equal amount with my competitors for food services, and my mortgage that I pay and my taxes in town for the building that I have compared to the number of people that are in my marketplace that can come and visit, my costs are actually higher than those people. The people who come to eat at my restaurant have less money than those other people do to spend so the cumulative effect of every extra penny I spend and every extra penny that they spend cumulatively together, in this area of what they are spending for transportation in gasoline and everything else, has a cumulative effect on people's ability to do things like go out and eat, because we are not something

that is indispensable they have to buy food but they don't have to buy it from me. I have to charge them a gross receipts tax where if they buy food to prepare at home I am assuming they don't have to pay that because you don't have to pay tax on food that you buy at the grocery store. It puts my meal at another disadvantage over someone wanting to stay home and cook. It's not a big issue, I know, and it is not a big charge it's just simply that I feel we out to try and address the issues of the things we need to do in town in finding the funding for it in some other matters thank simply increasing the taxes on the few of us who are still actually in business, in this town and as you know the business climate is you are very aware is very tentative and very like hanging on by fingernails. I keep my restaurant open day to day based on weather I make enough money that day to go out and buy food to stay open another day and I am sure I am not the only one in that business. Of course the people who are coming in to eat, it shows up in all the chain restaurants it shows up in all the restaurant news in all things now. In places that you used to have a three hour wait in a restaurant now you can go in and sit down today. Every little bit of the less money in these people's pockets, and their sense of it, my concern with this is when they see gross receipts tax go up they still see taxes going up and they still recoil and still feel that they have to protect the little bit of money they have left and it has a disproportion effect on their willingness to go out and spend it rather than how much the actual dollar amount is. That is just my two cents. Of all the business people I talked to which was interesting today, I am speaking as an individual but I am a member of the Executive Committee of the Chamber of Commerce, we had a broadcast email that went out about this meeting tonight and about the twenty people that I called they just simply said I work all day I want to spend time with my family it's not going to make any difference weather I show up or not, but I would not interpret the fact that I am the only one here bringing this up that those other people are real excited about it. They just don't think it will make a difference weather they are here or not."

- 2. **Cindy Clark** stood up and said "I know it is one quarter of one percent that it is going to be raised. The percentage of the gross receipts tax right now is 7.185 is that not right, if you add one quarter of one percent to that it comes to 7.4 something right, so it would be 7.4375. Perception as Tom said we are the highest already the perception of people when they look at the difference of that tax increase and where they are going to do their business. We want business in Belen, you know we really do, and there is a Wal-Mart in Los Lunas they can go to rather than ours theirs other places they can go to rather than ours. Shopping local is becoming really hard so I just, the perception, although it's not a large amount of money, the perception is something we have to think about.
- 3. **Mayor Ronnie** added there was a misunderstanding Belen is not the highest gross receipts tax, there are other cities that are higher than us, there are quite a few that are higher than us, so just so you know we are "not" the highest one. Mayor Torres said this is difficult because the price of everything is going up. The only thing that would not be affected would be the price of the slot machines at the Casinos to go up higher because that does not seem to phase anyone they still find time and money to go and enjoy themselves. I believe that type of spending is doing more damage to our community than anything else a lot extra spending that people go and spend money on the Casino in hopes of winning big. The amount of money we are investing is to make the community look good so that people will look at our community and say what a great place to set up a new business. As a business person I know that in order for me to expand I have to add

to my business in order to expand. Everyone is having a difficult time, this year we put in refrigerated air \$15,000 for a small business person to upgrade but it is needed in order to compete with other businesses. This is what we are trying to do with the City make it look better in order to compete with other municipalities. One of the areas that we want to use this for is the Camino Del Llano Project, which is going to the top of the Mesa. Once this project is done it will open it up to a lot of homes. People are afraid to ride up there because the road is so bad and dangerous. The airport we are also working on up there in order to get industrial people to look there we need to be able to show them in a safe manner on a safe street. It's like a catch 22 there is no way to make it better if you don't spend money. We are not trying to gouge our citizens, we have looked long and hard for other funding avenues. Raising the gross receipts tax is fairer than raising property taxes because then all citizens will pay a little bit not just one group of people. The new tax increase, if approved, will not be implemented until January.

- 4. Mayor Pro-Tem David Lopez- said the not food tax hurt gross receipts tax in every municipality and he personally has experienced the increase in costs for products he uses and he is sure we all have too, as well as the City it is in the same boat with costs continuing to go up. Unfortunately the City is like a business we have to pass on the increases and I don't like it myself.
- 5. Councilor Wayne Gallegos- said the timing is not the best because of the bad state the economy is in right now, but funding trends are down and everyone is taking a hit, we are still recovering from the flooding we had two years ago, and we need to recognize things need to be upgraded and repaired like roads and drainage before they become an emergency.
- 6. **Gilbert Tabet**-said "he used to own the Circle T, "I am retired now but when the state came up with grocery stores not charging sales takes they should have also included restaurants, because there is food being eaten in there, and yet we get these taxes keep going up and up the grocery stores don't have to pay taxes but what do you do.
- 7. **Rudy Jaramillo**-said he had been thinking about this, since he was approached, and I have been thinking and thinking about this quarter cent and I am a business owner also and the impact that we have, and I know our city means everything, and I know that the only way it can get fixed is with money but sometimes we just think lets put another quarter cent here and just put another tax on top of this over here and you mentioned the homes and you mentioned the taxes are outrageous on our houses I don't even want to do any improvements to my house because the minute I do an improvement there it comes they access it at a higher rate and I don't want to do nothing I don't even want to work on my landscaping anymore because here comes the accessor and he puts more tax. I don't know the answer to raising money or maybe the quarter cent is the proper way but sometimes I feel maybe we should just you know go as were elected official and we are representing the people, but sometimes maybe we should let the people make the choice in the decision, put it on a ballot somehow and let them decide if that's what the community wants and the business owners want instead of just coming in and saying well we are just going to impose it because, and we need it, I am the first one to say this is something that is needed in our town that maybe it ought to be looked at, and I don't even know how it goes about to put it in something like that for the people to vote on it. I have

had many calls today, I'm like Tom all they told you were what a difference, if we go its going to happen anyway so what difference is it going to make if we go or don't go. And that is sad what they say because they don't want to voice themselves for a situation that I think is important for the whole community not just for the City of Belen, its for people that live here plus business owners and you know I don't know what the answer is, but sometimes I think we ought to let the people choose, let the people decide, instead of the Mayor and Council".

8. **Mayor Ronnie Torres**-said there are more taxes that we can go up and that would be through a referendum, but we don't want to do that we are doing the least amount as possible. If there is more that we need to do it would go out to the voters and that is still a possibility, but that is something that we don't want to do, we are trying to do the least increase possible. I also got a few calls and once it was explained they understood.

Mayor Torres asked if there were any further comments, if no further comments he closed the public hearing.

ACTION ITEMS

INTENT TO ADOPT AN ORDINANCE THAT WILL CONSIDER TO IMPOSE AN EXCISE TAX EQUAL TO ONE FOURTH OF ONE PERCENT (0.25%) OF THE GROSS RECEIPTS REPORTED OR REQUIRED TO BE REPORTED BY THE PERSON PURSUANT TO THE NEW MEXICO GROSS RECEIPTS AND COMPENSATING TAX ACT AS IT NOW EXISTS OR AS IT MAY BE AMENDED

Mayor Ronnie Torres read the next agenda item on intent to adopt an ordinance that will consider to impose an excise tax equal to one fourth of one percent (0.25%) of the gross receipts reported or required to be reported by the persons pursuant to the New Mexico gross receipts and compensating tax act as it now exists or as it may be amended. Mayor Pro-Tem David Lopez so moves to approve the quarter cent gross receipts tax. Councilor Terese Ulivarri seconds the motion. Councilor Rudy Jaramillo opposed the motion, motion carries.

INFORMATIONAL ITEMS:

CITY MANAGERS REPORT:

City Managers report is attached hereto and made an integral part of these minutes by reference.

COMMUNICATIONS FROM CITY COUNCIL:

Councilor Rudy Jaramillo: Leona congratulations I have always heard the same every time they come I have heard you have always been professional and everybody there Mildred and Jeanette always have been well deserved to you. Saturday we have the respect for law that the

Breakfast Optimist held and have held for the last 24 years. They pick an officer of the year from every department. There were quite a few people that showed, Mayor and Council were there glad to see the City Council behind our Chief and supporting our town and Community. After that there was so much going on my grandsons' birthday and I had to go do this it was hard to fit it all then we went to the Music Fest. It was not as many people as I have seen before, but it was going people were out dancing and having a nice time our Heart of Belen is nice, people are complimenting it. Summer is here it has been warm, our air conditioners are going full blast all day long so I think we are here and going to see it until September the heat.

Councilor Wayne Gallegos: like Rudy said the Law Enforcement week went very well, thanks to the optimists for having this done, I guess it is one of the longest in the whole state it is nice to see Chief Chavez and the other Chiefs and counties and municipalities all in one room and having their officers recognized. It is a very nice program that they have, I hope they can continue doing that.

I have also attended an advisory for RSVP we are going to have a volunteer fair, I know I had mentioned it before I have the dates we are going to have one in Los Lunas on the 6^{th} of September and we are going to have one on the 20^{th} of September and that fair is to advertise to business that would like to have volunteers to work for them. It is a job fair for volunteers we have a lot of volunteers raising their hand in our community but sometimes there is no place to put them. There are a lot of volunteers that have an accounting background and whatever background and they want to volunteer someplace and that is what this is all about.

The next thing is we had two people attend a senior corp. conference in Atlanta Georgia and they brought back a lot of ideas we are going to try and get going for our RSVP Program.

On their 5311 grand which is their public transportation they did have an audit on their records from DOT and it seems like everything is in place and also they discussed a meeting with RTD for the fiscal year and I think that is going to need a little more attention I think Tinky has been working on that a little bit. We are trying to up the miles to more than three miles of service with the City and that would be a grant of 5317, those are all pretty important.

We are going to try to have a make a difference day in October that's when the volunteers get together in the community to cleanup and paint do something for the community and we are looking forward to that one.

Also there is going to be a luncheon on June 27th from 11 to 2 and that luncheon is a BBQ for all Volunteers appreciation. They get them together every year and get them together and give them a nice lunch in appreciation. There should be some invitations coming soon on that.

Mayor Ronnie Torres: recycling, thank you very much for that presentation we will certainly be getting back to you on that to make sure we get something started for the City of Belen. I like the location that has been chosen for that also that way people in town can have a short drive. Also there are individuals that are still working on the hospital and I know Jerah is part of that and I want to thank him and the group for working on that. Anytime you see any of our elected officials from the county please stress to them how important it is to have a hospital in this community. Officer of the year was a great thing that the Optimist group had and it was nice that they honored some of the local officers. I was proud to see all of the Council there, so I thank all

of you guys for showing up and taking the time to show. We were the only ones from the County. There were some representatives from around the communities but we were the only ones that the entire Mayor and Council showed up. That is just to show the police officers that we are behind you 100%. Also Leona congratulations you work in the city of Belen you get a promotion and work your way up you deserve it you have worked hard for it so I hope you can pass that message on that if you work hard and mind your own business, and not everyone else's business, do your job you can get ahead in this City and it is not who you know or what you know it is how you do your job and I think it is great congratulations.

Councilor Terese Ulivarri: as a matter of fact that Law Enforcement thing we did not coordinate any of that we just all showed up on our own which was cool. Congratulations to Officer Pat Gallegos he was the officer of the year for the City of Belen and he smiled he actually smiled. Also the Hub City Music Fest was a hot afternoon for sure I have talked to Brenda and maybe we can do something a bit different we just have to figure it out how to get the people out. After the Karaoke there was a great band playing and people were dancing but we need to get more people out maybe move it to a different day because competing with the Summer Fest that is going on in Los Lunas not intentional but we need to do something. Also I discussed this with the Mayor, I am going to start a new committee for recreational purposes only it is not going to be a parks and rec. committee its just going to be a recreation committee to see if we can get some volunteers that care about recreation for, not only our children/youth, but also adults and senior. So I am going to be looking for some people to get this thing off the ground. Leona Congratulations once again you do a nice job. You know the worst job in the world in City Hall is the day we turn off water at homes, and these ladies have to put up with the people who come in upset, so she does a wonderful job of that, keep up the good work thank you.

Mayor Ronnie Torres: before we went further, and he forgot, wanted to thank a volunteer from this community who went out got some trees, planted them, and got some people involved in planting them that's Mr. Pete Armstrong. Those trees are looking good, there are a couple that are a little bit iffy because it is kind of hot but we beefed up the watering. Thank you so much for doing something and getting a group together to help.

"We went and planted some plants the other day; Wayne Gallegos and I went and planted some plants underneath the trees that are by the church, on Church Street. We dug those holes and planted those things and I'll be darned if not the next day and a couple of days later they stole nine of them. Nine of them we sweat like dogs out there planting those things and they stole nine of them so I hope the nine they stole had some fungus and they spread it to their yard. But the rest are doing good at least more than half are still there".

Mayor Pro-Tem David Lopez: don't know what else is left to say. Leona congratulations I know every time I have called you have always been very professional and you deserve that promotion. Also want to thank the Chief of Police and the Fire Chief with all the creative grants that these gentlemen work to get to offset the costs to the City are worth their weight in gold. I want to point this out to the employees and to the tax payers that the City does have very credible personnel working for them and we are doing everything we can to offset all the costs. This recycle program could lead to one of those offset in costs. Congratulations to Officer Pat Gallegos for earning officer of the year I believe he is also going to retire after 20 years of

service to the City of Belen. That is pretty commendable due to the fact of all the heavy recruiting that other municipalities are enticing our officers.

Councilor Rudy Jaramillo-spoke to the Mayor and said "you had mentioned the hospital and last Wednesday they had a meeting at the Commission, County and there's a lot of people that are there including Jerah that are moving forward, don't know what the decision was but there are a lot of people pushing for this thing. Like the Mayor said if you see the Commissioners mention it.

ADJOURNMENT:

Mayor Ronnie Torres asked for a motion to adjourn tonight's meeting.

Councilor Rudy Jaramillo moved to adjourn this meeting. Councilor Wayne Gallegos seconds the motion, motion carried.

	Ronnie Torres, Mayor
ATTEST:	
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Sally G. Garley, City Manager	